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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,534	01/16/2001	Hiroshi Ishizuka	1081.1103 (JDH)	2120

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/759,534

Applicant(s)

ISHIZUKA ET AL.

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,4,12,14,16,20,22-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,12,14,16,20,22-26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/26/2007 has been entered.

### ***Prosecution History Summary***

- Claims 3-4, 12, 14, 16, 20, 22-26 and 28 are pending and under consideration.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Referring to claim 25. Claim 25 does not provide a practical application that produces a useful result. For an invention to be "useful" it must satisfy the utility requirement of section 101. The USPTO's official interpretation of the utility requirement provides that the utility of an invention has to be (i) specific, (ii) substantial and (iii) credible. MPEP § 2107. Claim 25 merely displays information. The displaying of information, absent any active involvement in an executed step, does not move to manifest a useful result.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Referring to claim 26. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of claim 26 purports the utility of "commodity retrieval," but the body of the claim is not commensurate with the scope of the preamble, and does not provide the active steps necessary to achieve the purported utility.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 3-4, 12, 14, 16, 20, 22-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Puri (U.S. Patent No. 6,064,982).**

Referring to claim 3. Puri discloses a commodity retrieval method in a commodity sale transaction via a network (Puri: FIG. 1, "12"), the method comprising:

- Displaying objects of use (Puri: FIG. 4, "52") identifying specific operations (Puri: FIG. 4, "Information Publishing, Communication, etc.") implemented by commodities on a user's terminal;
- Preparing a table indicative of correspondence between the objects of use (Puri: FIG. 4, "52") and necessary specifications (Puri: FIG. 4, "50") required for commodities (Puri: FIG. 5, "60");
- Acquiring a specification (Puri: FIG. 4, "50") corresponding to at least one object of use (Puri: FIG. 4, "52") selected by a user (Puri: FIG. 4, "51") via the terminal from the table based on said correspondence, said acquiring being subsequent to selection of the at least one object of use indicating a desired operation from the displayed objects of use of the commodities (Puri: FIG. 4);

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- Retrieving the commodities based on the acquired specification as a retrieval condition (Puri: FIG. 5, "60"); and
- Displaying, on the terminal, information on a commodity having specifications corresponding to the selected object of use without requiring the user's knowledge of specifications corresponding to the at least one object of use selected by the user (Puri: FIG. 6).

Referring to claim 4. Puri further discloses a method wherein the network is Internet (Puri: column 2, line 61 through column 3, line 9).

Referring to claim 12. Claim 12 is rejected under the same rationale as set forth above in claims 3-4.

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claims 3-4.

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 20. Claim 20 is rejected under the same rationale as set forth above in claims 3.

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Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 24. Claim 24 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 25. Claim 25 is rejected under the same rationale as set forth above in claims 3.

Referring to claim 26. Puri discloses a commodity retrieval method for a commodity sales transaction, comprising:

- Storing attribute information of commodities available for sale and displaying an object of use identifying specific operations implemented of the commodities for sale based on the stored attribute information, the object of use corresponding to necessary specifications required for the commodities (Puri: FIG. 4); and
- Enabling a user to make a selection from the displayed object of use (Puri: FIG. 4, "51") and providing information of a corresponding commodity to the user based on the selection of a desired operation from said specific operations implemented by the commodities (Puri: FIG. 5).



Referring to claim 28. Puri discloses a commodity retrieval method, comprising:

- Determining a commodity meeting a need of a user in response to a selection from operations implemented by components of commodities by the user (Puri: FIG. 4 and FIG. 5); and
- Retrieving a list of commodities matching a desired operation selected from said operations by the user and allowing the user to select a commodity from the list (Puri: FIG. 5, "60" and column 5, lines 26-48).

### ***Response to Arguments***

Applicant's arguments with respect to all the pending claims have been considered.

The Applicant argues that Puri does not disclose, "a table indicative of a correspondence between the objects of use and necessary specifications"

The Examiner notes, the claims as amended have been mapped in detail to the Puri reference as set forth above.

The Examiner further notes, by definition a table is data arranged in either rows or columns. Using Fig. 4 of Puri, a customer may select among various statements 50 (specifications) by checking a box 51 associated with each statement. The identification page also includes various links to other topics (objects of use), which may be selected to bring up additional statements (specifications). In this way, the process may be thought of as being hierarchical, i.e. as generalized statements (objects of use) are selected the smart configurator suggests more specific statements (specifications) until the objects of use are thoroughly and accurately assessed. The objects of use and the specifications are arranged horizontal to each other forming a table.

FIG. 5 of Puri is an illustration of a commodity choice page for the smart configurator of FIG. 1. This commodity choice page provides a list 60 of company and/or partner products.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
Primary Examiner  
February 26, 2007



MATTHEW S. GART  
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